

### REMARKS

The Final Office Action mailed October 8, 2008 has been carefully considered. Applicants have amended Claims 1, 6, 7, 9 and 34, and new claim 35 has been added by this amendment. Also, Claim 5 is hereby cancelled. The amendment to Claim 1 addresses the Examiner's objection and further adds the language previously included in Claim 5. Claims 6 and 7 were amended to now depend directed on Claim 1. Claim 34 was amended to clarify that multiple flow characteristics are actively controlled through different blowing openings. New Claim 35 substantially includes the limitations of previously presented Claim 34 (without the recitations from Claim 5) as well as the language from Claims 1 and 14, from which Claim 34 depends. Accordingly, no new matter is presented by these amendments.

It should be noted that in further response to the Restriction Requirement previously imposed in this matter, Applicants believe new claim 35 corresponds to the previously elected Group 1 of claims. Applicants respond specifically below to the issues raised in the subject Office Action and respectfully request reconsideration thereof.

#### Claim Objections

In the Office Action, Claims 1 and 9 are objected to for informalities. Applicants have amended these claims to remove the noted informalities. Accordingly, Applicants respectfully request reconsideration and withdrawing of this objection.

#### Claim Rejections under 35 USC § 112, Second Paragraph

In the Office Action, Claim 9 is rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Applicants have hereby amended the claim in order to address the Examiner's rejections and to clarify that which the Applicant regards as the invention. In particular, the expression "the further element" has been deleted from the claim. Similarly, the terms "in particular fluid jet

polishing means” were similarly deleted to avoid ambiguity. Accordingly, Applicants respectfully request reconsideration and withdrawing of this rejection.

### Claim Rejections

In the Office Action, Claims 1, 2, 10-12, 28 and 29 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,301,009 to Tinker (**Tinker**). Also, Claims 13 and 30 stand rejected as being obvious in view of Tinker. However, in view of the incorporation of the terms from now cancelled Claim 5 into Claim 1 and the combined terms from Claims 1, 14 and 34 into new Claim 35, these rejections are rendered moot. Accordingly, Applicants respectfully request entry of the amendments herein, as well as reconsideration and withdrawal of these rejections of the claims.

Additionally in the Office Action, Claims 3-9, 14 and 31-34 stand rejected as being obvious over Tinker in view of U.S. Patent No. 6,887,125 to Kurogouchi (**Kurogouchi**). Applicants respectfully traverse this rejection.

Applicants note that in order to support a claim of *prima facie* obviousness, the cited references must teach or suggest each and every element of the invention, and there must be a basis for combining the references and the prior art as suggested. However, nothing in the art of record would, either alone or in combination, teach or suggest all the elements of the apparatus of Claims 1 or 35, as well as dependent claims 2-14 and 28-34. Also, it would not have been obvious to one of ordinary skill in the art to add the missing elements not disclosed by the prior art in order to arrive at the claimed invention.

An aspect of the claimed invention relates to an apparatus for forming or working optical objects. In particular as recited in amended Claim 1, the working device includes at least one holder for holding the optical object to be formed or worked. The holder is at least partly translucent wherein light from an adjacent light source can be sent through the holder and an element located thereon. Light from the light source reflected by the surface to be worked is

captured by an adjacent light receiver. Also, measuring means are provided for determining absolute and/or relative changes in the surface of the object to be worked from the reflected light.

A further aspect of the claimed invention is recited in amended Claims 34 and 35. In particular, the working device includes a series of blowing openings through which, during use, a fluid with a grinding agent can be blown out under pressure. Wherein, from different blowing openings select ones of flow rate, pressure, outflow velocity and outflow profile are actively controlled.

**Tinker** discloses a method of measuring a dimensional characteristic of a workpiece, while the workpiece is subjected to a finishing operation. The Office Action at page 5, paragraph “c.” admits that **Tinker** fails to disclose the exact type of holder used for holding objects. Also, there is no suggestion in the Office Action that **Kurogouchi** teaches a partly translucent holding device. Nonetheless, the Office Action makes the unsupported conclusion that it would have been obvious to provide an at least partly translucent holder “for the light to pass therethrough so that information about the object may be obtained at numerous angles.” However, there is absolutely no teaching in either **Tinker** or **Kurogouchi** to use a translucent or partly translucent holder. The Examiner has used the advantages taught by the Applicants invention as a roadmap to alter the prior art to arrive at the claimed invention. The cited prior art fails to teach or reasonably suggest that a partly translucent holder can be used in this capacity. Thus, there is no support for the argument that it would have been obvious to provide a holder as recited in Claim 1.

Additionally, providing different sets of blow openings in the apparatus, where select ones of those openings have controlled flow rate, flow pressure, outflow velocity or outflow profiles, simple is not disclosed or reasonably suggested in either **Tinker** or **Kurogouchi**. The cited prior art simply does not disclose having different blow openings controlling select flow characteristics. Such a modification to the prior art is not inherent and there is no reason to modify the prior art in this way, other than using impermissible hindsight to arrive at the claimed

invention. Thus, there is no support for the argument that it would have been obvious to provide such different blow openings as recited in Claims 34 and 35.

Applicants respectfully submit that Claims 2-14 and 28-34, which ultimately depend from Claim 1, are patentable over the art of record by virtue of their dependence. Further, Applicants submit that Claims 2-14 and 28-34 define additional patentable subject matter in their own right.

Thus, the present invention as recited in the claims is clearly distinguished over the prior art of record. Also, the cited prior art fails to disclose or reasonably suggest all the elements of the claimed invention. Therefore, it is respectfully requested that the rejection of the Claims under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Accordingly, it is believed that the application is now in condition for allowance. If the Examiner has any questions or suggestions to expedite allowance of this application, he is cordially invited to contact Applicants' attorney at the telephone number provided.

Respectfully submitted,

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